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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 United States,

8 Plaintiff,

9 vs.

10 Robert Kimmell,

11 Defendant.
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3:14-cr-00054-RCJ-CBC-1

ORDER

13 In his Motion to Produce Evidence (ECF No. 161), the Defendant moves this Court to
14 compel the production of certain evidence for the purposes of the Defendant to later file a writ of
15 habeas corpus. However, there is no authority for this Court to issue any production of evidence
16 for this closed case after trial, conviction, sentencing, and affirmation by the Ninth Circuit. The
17 Defendant cites to no precedent that would give this Court such a power. He claims that the Ninth
18 Circuit allows for post-trial subpoenas in *United States v. Krane*, 625 F.3d 568 (9th Cir. 2010);
19 however, the Court of Appeals made no such finding. In that case, the government had argued that
20 subpoenas issued for the purposes of *sentencing* were necessary. Even if the Ninth Circuit had
21 affirmed the issuance of those subpoenas, it would not affect whether subpoenas should be issued
22 for this closed case. Thus, his motion is denied.

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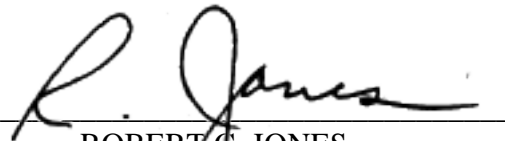
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1 **CONCLUSION**

2 IT IS HEREBY ORDERED that the Defendant's Motion to Produce Evidence (ECF No.
3 161) is DENIED.

4 IT IS SO ORDERED.

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6 Dated this 29th day of May, 2019.

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9 ROBERT C. JONES
United States District Judge